



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,261	08/12/2002	Franz Durst	HMN 2 0020	1706
27885	7590	08/10/2009	EXAMINER	
Fay Sharpe LLP			LEUNG, JENNIFER A	
1228 Euclid Avenue, 5th Floor				
The Halle Building			ART UNIT	PAPER NUMBER
Cleveland, OH 44115			1797	
			MAIL DATE	DELIVERY MODE
			08/10/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Art Unit: 1797

## **CONTINUATION SHEET**

### Item 3(a)

The proposed amendments to independent claims 21 and 25, which call for the newly added feature of "a porous material with inter-connected hollow spaces suitable in size for flame development", raise new issues that would require further consideration and/or search. It is noted that this feature was not presented in any dependent claim under claim 21 or 25.

### Item 11.

The proposed amendment does not place claim 21 in condition for allowance, because the claim does not include all of the allowable features present in claim 1 (and incorporated claim 10). In particular, it is noted that claim 21 fails to additionally recite a premix chamber and separate supply lines for the fuel and oxidation agent in tangential communication with the premix chamber.

The proposed amendment does not place claim 25 in condition for allowance, because the claim does not include all of the allowable features present in claim 1 (and incorporated claim 10). In particular, it is noted that claim 25 fails to additionally recite plural supply lines for tangentially supplying the fuel and oxidation agent.

In addition, the newly incorporated feature raises an issue under 35 U.S.C. 112, second paragraph, because it is unclear as to how "a porous material" relates to "a material" previously set forth in claims 3, 21 and 25. Similarly, see claim 11.

\* \* \*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JENNIFER A. LEUNG whose telephone number is (571) 272-1449. The examiner can normally be reached on 9:30 am - 5:30 pm Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Walter D. Griffin can be reached on (571) 272-1447. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated

Art Unit: 1797

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jennifer A. Leung/  
Primary Examiner, Art Unit 1797